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Patent Application
Docket No. GJE.7660

February 4, 2009
David R. Saliwanchik
David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Nazir Khan, Martin Robert Walker
Serial No. : 10/584,121
Filed : June 23, 2006
Conf. No. : 9857
For : Laser Imaging

Office of Petitions
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO FILE APPLICATION WITHOUT
SIGNATURE OF JOINT INVENTOR

Sir:

Pursuant to 37 CFR 1.47(a), the applicants hereby petition to file the above-identified application without the signature of joint inventor Nazir Khan. The applicants have been unsuccessful in obtaining the signature of Dr. Khan.

Enclosed is a letter and electronic proof of Delivery regarding Royal Mail wherein the application as filed (including specification, figures, abstract, and claims), and Declaration and Power of Attorney form were sent to Dr. Khan for execution. Dr. Kahn has refused to sign the Declaration and Power of Attorney form.

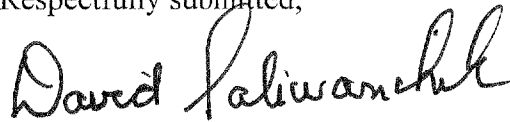
Also, attached is a Declaration of Andrew Whyte, the Secretary of DataLase Limited, the company which is the rightful Assignee of the invention. Mr. Whyte's Declaration gives the last known address of Dr. Nazir Khan, the non-signing inventor, in paragraph 3. Dr. Khan's last known address is 6 Hillingdon Avenue, Nuthall, Nottingham, NG16 1RA, United Kingdom.

Additionally, Mr. Whyte's Declaration provides factual proof in paragraphs 2 through 4 that Dr. Khan refuses to execute the application. Specifically, Dr. Khan was employed by DataLase Limited at the time of making the invention but left DataLase Limited in January 2006. Following receipt of a Declaration for him to sign, Dr. Khan telephoned Mr. Whyte and told Mr. Whyte that he would only sign for a payment of £1,000.

Accordingly, the applicants believe that the Petition satisfies the requirements under CFR 1.47(a) and request that the Petition be granted.

Please charge the petition fee of \$200 to Deposit Account 19-0065. The Commissioner is hereby authorized to charge any additional fees as required by 37 CFR 1.17(g) to Deposit Account No. 19-0065.

Respectfully submitted,



David R. Saliwanchik
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DRS/la

Enclosures: as stated above



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Time

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COPY

16 June 2006

Dr N Khan
6 Hillingdon Avenue
Nuthall
Nottingham
NG16 1RA

BY RECORDED DELIVERY

Dear Naz

**New US Patent Applications
DataLase Ltd.**

You are named as an inventor on 4 PCT applications that DataLase want to pursue in the USA. In order to complete the formalities, and at the request of Chris Wyres, I ask that you sign each of the enclosed Declaration and Assignment forms, where indicated. I also enclose a copy of each patent specification, for your ready reference.

Please sign the forms where indicated and send the signed forms to me in the enclosed stamped addressed envelope. If you need any help, please call. I look forward to hearing from you very soon.

Yours sincerely

R E Perry

c.c. Dr C Wyres, DataLase Ltd.

Gill Jennings & Every LLP

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Martin Robert Walker, Nazir Khan
Serial No. : 10/584,121
Filed : June 23, 2006
Art Unit : Not yet Assigned
For : Laser Imaging

Commissioner for Patents
P O Box 1450
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DECLARATION OF ANDREW WHYTE

Sir:

I, Andrew Whyte, make this declaration based on my personal knowledge and belief:

1. I am the Company Secretary of DataLase Limited (hereinafter "The Company") which is the rightful Assignee of the invention.
2. By way of background, one of the inventors, i.e. Nazir Khan (hereinafter "Dr Khan") was employed by The Company at the time of making the invention. When The Company relocated, in January 2006, Dr Khan chose not to move, and left The Company.
3. Following instructions from The Company to file a US patent application, Gill Jennings & Every LLP, the UK firm of patent attorneys acting for The Company, asked the inventors to sign a declaration and an assignment. These documents were sent to Dr Khan at his then address (and which I believe to be his current address), i.e. 6 Hillingdon Avenue, Nuthall, Nottingham, NG16 1RA. Following receipt of the forms, Dr Khan telephoned me and told me that he would sign them only on payment of £1,000.

4. I am advised that under English law, no further payment is due to Dr Khan in respect of inventions made in the course of his employment with The Company. His demand for payment is in effect a refusal to sign the forms.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: 

Date: 20 - 06 - 08